

was effective to grow hair, to prevent falling hair, to correct dandruff, and to revitalize the scalp. The article was not effective for such purposes.

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and the carton label failed to bear the common or usual name of each active ingredient.

DISPOSITION: March 15, 1948. Scalp-Eez, Inc., claimant, having failed to file an answer to the libel or otherwise plead, judgment of condemnation was entered and the product was ordered destroyed.

**2385. Misbranding of Autolift Bust Developers. U. S. v. 303 Autolift Bust Developers, etc. (F. D. C. No. 24466. Sample No. 14113-K.)**

LIBEL FILED: March 18, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 30, 1948, by the Flexsaw Co., from Port Austin, Mich.

PRODUCT: 303 *Autolift Bust Developers* at Chicago, Ill., together with a number of circulars entitled "Instruction For Using The Autolift." Examination showed that the product consisted of two plastic cups, ribbon and body strap, and a suction pump with rubber tubing.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the circular were false and misleading, since the article was not effective in developing the busts: "Autolift Bust Developer. This scientifically designed instrument works on Nature's own principle, suction. This action massages the muscular structure of the breast and stimulates the flow of blood to the desired area. The proper use of this developer will well pay for the trouble, in giving a fuller, rounder, firmer bust. Really an investment in beauty and marital happiness. \* \* \* Exercise busts each night before retiring for best results."

DISPOSITION: May 7, 1948. Default decree of condemnation and destruction.

**2386. Misbranding of Burnett's Radio-Active Emanator. U. S. v. 12 Cones \* \* \*. (F. D. C. No. 23710. Sample No. 49567-H.)**

LIBEL FILED: September 23, 1947, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about February 1947, by W. H. Burnett, from Kingsland, Ark.

PRODUCT: 12 devices represented as "Burnett's Radio-Active Emanator" at Decatur, Miss., together with a number of accompanying circulars entitled "Nature's Health Restorer" and "Burnett's Radio-Active Emanator A Health Spring in Your Home." The device was an olive drab-colored solid 10-sided pyramid, about 4½ inches wide at its base and standing about 6 inches high. It consisted of a molded concrete block containing a trace of radioactive material, too little to be of any therapeutic significance.

NATURE OF CHARGE: Misbranding, Section 502 (a), the article was represented by the circulars to be effective in the treatment of kidney disorders, diabetes, high blood pressure, stomach troubles, rheumatism, arthritis, asthma, and other kindred troubles, whereas it was useless for such purposes.

DISPOSITION: March 16, 1948. Default decree of condemnation and destruction.

**2387. Misbranding of Chlorogen devices. U. S. v. 5 Devices, etc. (F. D. C. No. 23866. Sample Nos. 15007-K, 15008-K.)**

LIBEL FILED: October 24, 1947, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about September 2 and 11, 1947, by the Chlorogen Co., from Phoenix, Ariz.

PRODUCT: 5 *Chlorogen devices* at Detroit, Mich., together with a number of pamphlets entitled "Chlorogen Therapy" and one set of operating instructions entitled "Chlorogen Chlorine Gas Generating Inhalator," which were shipped with the devices. Examination of the article showed that it was an electrical device for the production of chlorine.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the device were false and misleading, since they represented and suggested that the device when used as directed was effective in the treatment of sinus infections, upper respiratory diseases, rheumatoid (infectious) arthritis and internal diseases secondary to toxicosis from nasal mucous and sinus infections, sore throat, inflamed tonsils, large goiter, migraine headaches, asthma, sinusitis, bronchitis, and common colds. The device when used as

directed was not effective in the treatment of such diseases, conditions, and symptoms.

**DISPOSITION:** April 28, 1948. Default decree of condemnation. The product was ordered delivered to the Food and Drug Administration, for clinical and experimental uses.

**2388. Misbranding of Cosmo-Light device. U. S. v. 1 Device, etc. (F. D. C. No. 22289. Sample No. 70813-H.)**

**LIBEL FILED:** February 18, 1947, Southern District of California.

**ALLEGED SHIPMENT:** On or about November 15, 1946, by Dr. Fred Gerkey, from Kansas City, Mo.

**PRODUCT:** 1 *Cosmo-Light device*, together with two accessory applicators at Glendale, Calif., and a leaflet headed "Instructions," which was shipped with the device. The device consisted of tubes for producing colored lights similar to the so-called neon lights, together with the electrical connections needed to operate them.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the labeling of the article were false and misleading, since they represented and suggested that the device was effective when used as directed in the treatment of asthma, every kind of a condition, nervousness, eye troubles, female diseases, and sinus trouble. The article was not effective when used as directed in the treatment of such conditions.

**DISPOSITION:** On April 3, 1947, an order was entered directing that the case be removed for trial to the Western District of Missouri. On March 18, 1948, the interveners withdrew their claim and answer, and on April 16, 1948, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration, for use as an educational exhibit.

**2389. Misbranding of Spectro-Chrome. U. S. v. Dinshah P. Ghadiali and Dinshah Spectro-Chrome Institute. Pleas of not guilty. Tried to the jury. Verdict of guilty. Institute fined \$12,000. Individual fined \$8,000; sentenced to 1 year in jail on each of first 3 counts, the execution of which sentence was suspended, and placed on probation for 5 years; imposition of sentence on last 4 counts suspended. Judgment affirmed on appeal to United States Circuit Court of Appeals. Petition for writ of certiorari denied by United States Supreme Court. (F. D. C. No. 16547. Sample Nos. 76870-F, 76872-F, 82254-F, 85045-F, 4061-H, 4094-H, 4174-H, 4175-H, 13743-H, 13887-H, 16303-H, 23316-H.)**

**INDICTMENT FILED:** August 7, 1945, District of New Jersey, against Dinshah P. Ghadiali and Dinshah Spectro-Chrome Institute, a corporation, Malaga, N. J.

**ALLEGED SHIPMENT:** Between September 3, 1942, and July 9, 1945, from the State of New Jersey into the States of New York, Pennsylvania, Ohio, Wisconsin, Michigan, Missouri, and Delaware.

**PRODUCT:** The construction and appearance of the device is described in the quoted court opinion set forth below.

Each device was accompanied by one or more of the following pieces of printed and graphic matter: "Spectro-Chrome Home Guide," "Rational Food of Man," "Favorscope," "Spectro-Chrome, December 1941 Issue," "Spectro-Chrome, May [or "August,"] 1944 Issue," "Spectro-Chrome in Every Home," "Key to Radiant Health," "Auxiliary Benefit Notice," "Request for Enrollment as Benefit Student," "Certificate of Benefit Studentship," "Spectro-Chrome Free Guidance Request," "Spectro-Chrome Free Guidance," "Spectro-Chrome, March 1945 Issue," "Spectro-Chrome, January 1945 Issue," "Spectro-Chrome Metry Encyclopedia—Volumes 1, 2, and 3," and "Here is the Work that Shattered All the False Conceptions in Healing."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the labeling of the device contained false and misleading curative and therapeutic claims in substantially the same respect as the device involved in notices of judgment on drugs and devices, No. 2098.

**DISPOSITION:** Following the entry of pleas of not guilty, the case came on for trial before the court and jury on October 21, 1946. The trial was concluded on January 7, 1947, at which time the jury returned a verdict of guilty. Motions for a directed verdict of acquittal and for a new trial were filed on behalf of the defendant on January 13, 1947, and after consideration of the arguments for and against such motions, the court, on January 22, 1947, denied the motions. On January 31, 1947, the court imposed the following sentences: (1) Against the institute, a fine of \$12,000; (2) against the individual de-